

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2007 Legislative Session

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SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0602 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1907, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 90 and 91.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1904, Idaho Code, which increased the fee cap rate. The proposed rules increase licensure fees as follows:

Class A license shall be two hundred and fifty dollars (\$250);

Class AA license shall be three hundred and fifty dollars (\$350);

Class AAA license shall be four hundred and fifty dollars (\$450);

Class B license shall be one hundred and fifty dollars (\$150);

Class C license shall be one hundred dollars (\$100);

Class D license shall be fifty dollars (\$50).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

It is anticipated that this license fee increase will generate approximately \$250,000 annually in the Division of Building Safety's Public Works Contractors Licensing fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Keys, Bureau Chief, (208) 332-8986.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of the Public Contractors License Board

Docket No. 07-0501-0602
PENDING RULE

DATED this 1st day of November, 2006.

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule increases the fees for public works contractor licenses and is necessary to cover administration, discipline, enforcement, and educational outreach costs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Under the authority of Section 54-1904, Idaho Code, which increased the fee cap rate, the proposed rules increase licensure fees as follows:

- Class A license shall be two hundred and fifty dollars (\$250)
- Class AA license shall be three hundred and fifty dollars (\$350)
- Class AAA license shall be four hundred and fifty dollars (\$450)
- Class B license shall be one hundred and fifty dollars (\$150)
- Class C license shall be one hundred dollars (\$100)
- Class D license shall be fifty dollars (\$50)

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

It is anticipated that this license fee increase will generate approximately \$250,000 annually in the Division of Building Safety's Public Works Contractors Licensing fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the necessity to increase fees to cover administration, discipline, enforcement, and educational outreach costs.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DIVISION OF BUILDING SAFETY Rules of the Public Contractors License Board

**Docket No. 07-0501-0602
PENDING RULE**

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Steve Keys, Deputy Administrator, (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 23rd day of August, 2006.

Steve Keys, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho 83642
Phone: 208-332-8986/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

201. FEES.

01. Fees. Fees for each class of public works contractor and construction manager license shall be, ~~as designated and defined~~ in accordance with Sections 54-1904 and 54-4510, Idaho Code, ~~as follows:~~ (3-20-04)()

- a.** The fee for a Class A license shall be two hundred and fifty dollars (\$250). ()
- b.** The fee for a Class AA license shall be three hundred and fifty dollars (\$350). ()
- c.** The fee for a Class AAA license shall be four hundred and fifty dollars (\$450). ()
- d.** The fee for a Class B license shall be one hundred and fifty dollars (\$150). ()
- e.** The fee for a Class C license shall be one hundred dollars (\$100). ()
- f.** The fee for a Class D license shall be fifty dollars (\$50). ()

02. Payment of Fees. Fees shall be payable to "Division of Building Safety -- Public Works Contractors". (3-20-04)

03. Application Filed With Fees. Required fees shall accompany all applications. An application filed without the required fees shall be deemed incomplete and returned to the applicant. (3-20-04)

04. Construction Manager Licensing Fees. (3-19-99)

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***DIVISION OF BUILDING SAFETY
Rules of the Public Contractors License Board******Docket No. 07-0501-0602
PENDING RULE***

- a.** The fee for initial examination and licensing shall be two hundred dollars (\$200). (3-19-99)
- b.** The fee for license renewal shall be two hundred dollars (\$200). (3-19-99)
- c.** The fee for an inactive license shall be fifty dollars (\$50). (3-19-99)
- d.** The fee for license reinstatement shall be two hundred dollars (\$200). (3-19-99)
- e.** The fee for administering the examination shall be the standard fee established for taking that examination. (3-19-99)
- f.** The fee for issuing and for reinstating a certificate of authority shall be one hundred dollars (\$100). (3-19-99)

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2, 2006 Idaho Administrative Bulletin, Vol. 06-8, pages 18 through 20.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The rule reduces an existing fee.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gina McBride at (208) 334-4250.

DATED this 5th day of October, 2006.

THIS NOTICE WAS PUBLISHED WITH TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2006.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DEPARTMENT OF INSURANCE
Schedule of Fees, Licenses & Miscellaneous Charges**Docket No. 18-0144-0601**
PENDING RULE

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Title 41, Chapter 2, and Sections 41-401 and 41-907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 16, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

House Bill 586 amended Section 41-907, Idaho Code, to change the licensing requirement for insurance administrators, often referred to as third party administrators, from annual renewals to biennial renewals. The proposed rule is changing the fee for renewal for insurance administrator licensing to reflect this change. Under the proposed rule change the same renewal fee will be charged, but will only be collected every other year to correspond with the biennial renewal requirement. This will reduce by one-half the fee revenue collected from insurance administrators.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The rule reduces an existing fee.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the change is needed to conform to changes in existing law and the rule reduces fees paid by interested parties.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gina McBride (208) 334-4250.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DEPARTMENT OF INSURANCE
Schedule of Fees, Licenses & Miscellaneous Charges**Docket No. 18-0144-0601**
PENDING RULE

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2006.

DATED this 28th day of June, 2006.

Shad Priest
Acting Director
Idaho Department of Insurance
700 West State Str, 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

002. WRITTEN INTERPRETATIONS.

This agency may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying *at cost in the main office of this agency in accordance with the public records act.* ~~(7-1-00)~~(8-1-06)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

There are no documents to be incorporated by reference. (8-1-06)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. (8-1-06)T

02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise ID 83720-0043. (8-1-06)T

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. (8-1-06)T

04. Web Site Address. The department's web address is <http://www.doi.idaho.gov>. (8-1-06)T

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DEPARTMENT OF INSURANCE Schedule of Fees, Licenses & Miscellaneous Charges

Docket No. 18-0144-0601
PENDING RULE

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (8-1-06)T

~~0047.~~ -- 010. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

030. PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and must be paid with the filing application for original license, which fees include the issuance of a license, if issued: (3-13-02)

- a. Administrators -- Three hundred dollars (\$300). (7-1-00)
- b. Producers -- Eighty dollars (\$80). (3-13-02)
- c. Designation as a managing general agent -- Eighty dollars (\$80). (3-13-02)
- d. Adjusters -- Eighty dollars (\$80). (3-13-02)
- e. Reinsurance intermediary -- Eighty dollars (\$80). (3-13-02)
- f. Surplus line brokers -- Eighty dollars (\$80). (3-13-02)

02. Examination Fees. The following fees are due and must be paid in order to take examinations for the following licenses: (3-13-02)

- a. Producers and adjusters -- application for examination and each time taken - Sixty dollars (\$60). (3-13-02)

03. Fingerprint Processing. Processing fingerprints, where required - Sixty dollars (\$60). (7-1-00)

04. License Renewal. The following fees are due and must be paid for each license in order to renew or continue each and every license: (3-13-02)

- a. Adjusters, producers (biennial) -- Eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)
- b. Redesignation as managing general agent (annual) -- Eighty dollars (\$80). (3-13-02)

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DEPARTMENT OF INSURANCE**Schedule of Fees, Licenses & Miscellaneous Charges****Docket No. 18-0144-0601****PENDING RULE**

- c. Administrators (~~annual~~ biennial) -- Eighty dollars (\$80). ~~(3-13-02)~~(8-1-06)T
- i. Renewal form shall be filed on or before December 31. (8-1-06)T
- ii. Any renewal form postmarked after December 31 shall include a penalty in an amount equal to the renewal fee. (8-1-06)T
- iii. A renewal form postmarked after January 31 must be submitted as a new application with supporting documents and the full application fee. (8-1-06)T
- d. Surplus line brokers (biennial) -- Eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is **June 5, 2006**. This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective June 5, 2006, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section(s) 54-831, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Per comments received regarding the proposed/temporary rules and consideration of the Board of Cosmetology the following amendments are being done: Section 100 will remain in the non-codified text and will not be amended as proposed; Subsection 500.04 the subcategory title is being corrected to coincide with the proposed changes; and Subsection 500.09 will remain in the non-codified text and will not be amended as proposed.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Bureau amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 363 through 372.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 54-818, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

The haircutting fee is being included in the rules for original license and renewal as provided in legislation passed 2006. The examination is being clarified as the examination fees are paid directly to the test administrator.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho Board of Cosmetology

Docket No. 24-0401-0601
PENDING RULE

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 31st day of October, 2006.

THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 5, 2006.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-831, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 5, 2006
9:00 a.m.
Bureau of Occupational Licenses,
1109 Main St., STE 220, Boise, ID 83702

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Correct contact information; change hospital grade definition to comply with Idaho Code; add definition for patron; include examiner qualifications with board qualifications, add haircutter category to fee schedule, change examination fees to allow for administration by third party; add haircutter credit toward cosmetology license; designate haircutter requirements for examination; set theory examination criteria for haircutters; change rules

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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho Board of Cosmetology

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PENDING RULE

for reexamination eligibility; set minimum hours for clinical services on patrons to comply with Idaho Code; and designate rules for schools teaching haircutting.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) b and c, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Title 54, Chapter 8 was changed in the last session of the legislature. This rule is needed to incorporate the change into board rule. Passage of this rule would allow payments to the examination administrator by applicants for the examination and to change the process of payment for examination. These rules also add provisions for a new category of licensure and fees for same.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Per Section 54-818 the haircutting fee is being included in the rules for original license and renewal. The examination is being clarified as the examination fees are paid to directly to the test administrator.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes are being done to comply with changes to Title 54, Chapter 8.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 14th day of August, 2006.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220, Boise, ID 83702
(208) 334-3233 / (208)334-3945 fax

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

005. ADDRESS OF THE IDAHO BOARD OF COSMETOLOGY (RULE 5).

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES **Rules of the Idaho Board of Cosmetology**

Docket No. 24-0401-0601
PENDING RULE

The office of the Board of Cosmetology is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ibol@ibol.state.id.us cos@ibol.idaho.gov. The Board's official web site is at www2.state.id.us/ibol/cos www.ibol.idaho.gov/cos.htm.
(3-8-02)(6-5-06)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

These rules expressly adopt all definitions set forth in Section 54-802, Idaho Code, in addition to the following: (3-30-01)

- 01. Gender.** Any reference to a gender shall mean both masculine and feminine. (7-1-97)
- 02. Board.** The Idaho Board of Cosmetology as prescribed in Section 54-802, Idaho Code. (7-1-97)
- 03. Bureau.** The Bureau of Occupational Licenses, as prescribed in Section 54-828 and Section 67-2602, Idaho Code. (3-8-02)
- 04. Chief.** The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-97)
- 05. Current License.** An unexpired license in good standing. (7-1-97)
- 06. Establishment.** A licensed cosmetological establishment. (7-1-97)
- 07. Record of Instruction.** The final documentation of total hours and operations completed by a student that is maintained by a school or, in the case of an apprentice, the instructor. (3-30-01)
- 08. Certificate of Graduation.** A signed, notarized statement from a school or, in the case of an apprentice, the instructor, which indicates that the student has fulfilled all requirements of that school or apprenticeship and is eligible for examination. (7-1-97)
- 09. Rules.** The rules of the board. (7-1-97)
- 10. School.** A licensed school of cosmetology. (7-1-97)
- 11. School of Electrology.** A licensed school of cosmetology approved to teach electrology. (3-30-01)
- 12. Endorsement Certification.** In accordance with Section 54-812, Idaho Code. (7-1-97)

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BUREAU OF OCCUPATIONAL LICENSES Rules of the Idaho Board of Cosmetology

Docket No. 24-0401-0601
PENDING RULE

13. Hospital Grade. Hospital grade means a ~~sanitizing~~ disinfecting agent registered by the Environmental Protection Agency as an effective germicidal/bactericidal, fungicidal, and virucidal disinfectant ~~when or any other equivalent agent that effectively frees instruments from infectious or otherwise harmful microorganisms.~~ Such agents must be used in accordance with the manufacturer's instructions. ~~(7-1-97)~~(6-5-06)T

14. First-Aid Kit. First-aid kit means a packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze, which may be used for cleaning and protecting blood spills and other minor emergency traumas of the human body. (3-30-01)

15. Patron. Patron means any person who receives the services of anyone licensed or otherwise regulated by the provisions of Chapter 8, Title 54, Idaho Code. (6-5-06)T

011. -- 099. (RESERVED).

100. BOARD QUALIFICATIONS -- PROCEDURES -- MEETINGS -- POLICIES. (RULE 100).

01. Board Member ~~and Examiner~~ Qualifications. ~~(6-5-06)T~~(6-5-06)T

a. ~~All~~ The Cosmetology board members ~~and examiners~~ shall meet the requirements set forth in Section 54-829, Idaho Code. ~~(7-1-97)~~(6-5-06)T

b. Cosmetology school representative: To be eligible for appointment to the Cosmetology Board the individual must: (7-1-97)

i. Currently hold a license as a cosmetologist in this state; and (7-1-97)

ii. For the three (3) years immediately preceding appointment meet the following requirements: (7-1-97)

(1) Monetary interest in school ownership; and (7-1-97)

(2) Actively involved in school management. (7-1-97)

c. Electrologist board member qualification requirements -- the Electrology board member shall: (3-30-01)

i. Be at least twenty-five (25) years of age; and (7-1-97)

ii. Be a resident of this state for at least five (5) years prior to appointment; and (7-1-97)

iii. Have been engaged in the practice of electrology for at least three (3) years immediately preceding appointment; and (3-30-01)

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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho Board of Cosmetology**Docket No. 24-0401-0601**
PENDING RULE

iv. Be a licensed electrologist under the provisions of this act. (3-30-01)

02. Board Meetings - Dates - Places. (7-1-97)

a. The board shall meet at least three (3) times a year in regular session beginning on the first Monday of February, June and October. (7-1-97)

b. Board meetings will be held in Boise, Idaho, at the Bureau. (7-1-97)

c. Dates and places of board meetings may be changed and other meetings scheduled by the action of a majority of the board. (7-1-97)

101. -- 124. (RESERVED).

125. FEES (RULE 125).

Fees are established in accord with Section 54-818, Idaho Code, as follows: (7-1-97)

01. Original Permits, Licenses, and Annual Renewals. (3-30-01)

a. Cosmetological establishment, original license -- Fifty dollars (\$50). (3-30-01)

b. Cosmetological establishment, annual renewals -- Thirty-five dollars (\$35). (3-18-99)

c. Retail cosmetics Dealer, original license -- Fifty dollars (\$50). (3-30-01)

d. Retail cosmetics dealer, annual renewals -- Thirty-five dollars (\$35). (3-18-99)

e. Makeover or glamour photography business, original license -- Fifty dollars (\$50). (3-30-01)

f. Makeover or glamour photography business, annual renewals -- Thirty-five dollars (\$35). (3-18-99)

g. Domestic school of cosmetology, original license -- Five hundred dollars (\$500). (3-30-01)

h. Domestic school of cosmetology, annual renewals -- One hundred fifty dollars (\$150). (7-1-97)

i. Registered cosmetologist, original license/annual renewals -- Twenty-five dollars (\$25). (3-18-99)

j. Nail technician, original license/annual renewals -- Twenty-five dollars (\$25). (3-18-99)

k. Apprentice, original license (no renewal fees required) -- Twenty dollars (\$20). (7-1-97)

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- l.** Student certificate (registration) (no renewal fees required) -- Twenty dollars (\$20). (7-1-97)
- m.** Instructor, original license/annual renewals -- Thirty dollars (\$30). (3-18-99)
- n.** Student instructor permit - Twenty-five dollars (\$25). (3-30-01)
- o.** Electrologist, original license/annual renewals -- Twenty-seven dollars (\$27). (3-18-99)
- p.** Esthetician, original license/annual renewals -- Twenty-seven dollars (\$27). (3-18-99)
- q.** Haircutter, original license/annual renewals -- Twenty-five dollars (\$25) (6-5-06)T
- ~~qr.~~ Endorsement fee -- One hundred dollars (\$100). (3-30-01)
- ~~rs.~~ Temporary permit to demonstrate and teach -- Ten dollars (\$10). (3-30-01)
- 02. Examination Fees.** An examination fee of seventy-five dollars (\$75) shall be required for each examination administered by the Board. The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator and shall be paid directly to the administrator by the applicant. (7-1-97)(6-5-06)T
- ~~a.~~ *As a registered cosmetologist -- Seventy-five dollars (\$75).* (3-18-99)
- ~~b.~~ *As a nail technician -- Seventy-five dollars (\$75).* (3-18-99)
- ~~c.~~ *As an instructor -- Seventy-five dollars (\$75).* (3-18-99)
- ~~d.~~ *As an electrologist -- Seventy-five dollars (\$75).* (3-18-99)
- ~~e.~~ *As an esthetician -- Seventy-five dollars (\$75).* (3-18-99)
- 03. Fees Shall Not Be Prorated or Returnable.** Fees shall not be prorated or returnable. (7-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

401. COSMETOLOGY REQUIREMENTS FOR LICENSURE BY EXAMINATION. (RULE 401).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering: two thousand (2,000) hours of instruction as a student, or four thousand (4,000) hours of

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instruction as an apprentice. (3-30-01)

02. Credit for Instruction. Credit for instruction as a student or apprentice will be given for each year of practical experience under licensure in another state, territory, possession, or country as follows: (3-30-01)

a. Two hundred (200) hours as a student, or four hundred (400) hours as an apprentice. (3-30-01)

b. Credit will be allowed only on six (6) month experience increments. (7-1-97)

03. Hours Credit Toward Licensure. (7-1-97)

a. A licensed nail technician shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course or five hundred (500) hours toward the required four thousand (4,000) hours as a cosmetology apprentice. (7-1-97)

b. A licensed esthetician shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course. (7-1-97)

c. A licensed haircutter shall be given credit of two hundred fifty (250) hours toward the required two thousand (2000) hours for a cosmetology course. (6-5-06)T

ed. A nail technician student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours, as credit toward a student cosmetology course. (7-1-97)

de. An esthetician student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours as credit toward a student cosmetology course. (7-1-97)

f. A haircutter student (not licensed) may receive eighty percent (80%) of accumulated hours, but no more than two hundred fifty (250) hours, as credit toward a student cosmetology course. (6-5-06)T

(BREAK IN CONTINUITY OF SECTIONS)

420. -- ~~449~~24. (RESERVED).

425. HAIRCUTTER REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 425).

01. Filing of Record of Instruction. Applicant must file Record of Instruction covering nine hundred (900) hours as a student. (6-5-06)T

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02. Credit Given for Instruction. Credit given for instruction as a student will be ninety (90) hours as a student for each year of practical experience under licensure in another state, territory, possession or country.

(6-5-06)T

03. Six Month Allowance for Credit. Credit will be allowed only on six (6) month experience increments.

(6-5-06)T

04. Hours Credit Toward Licensure. One-seventh (1/7) of cosmetology student training hours may be credited toward haircutter instruction requirements.

(6-5-06)T

426. -- 449. (RESERVED).

450. EXAMINATIONS - GENERAL (RULE 450).

Examination for licensure shall consist of both a practical and written examination for each of those disciplines included in Chapter 8, Title 54, Idaho Code.

(5-3-03)

01. Dates and Places.

(7-1-97)

a. Examinations for licensure are to be held at the discretion of the board.

(7-1-97)

b. The dates and places of examination will be published annually.

(7-1-97)

02. Written Examination. The written examination consists of two (2) parts: theory and Idaho jurisprudence.

(7-1-97)

a. The Idaho jurisprudence examination will be a comprehensive written examination that will include Chapter 8, Title 54, Idaho Code and these rules.

(5-3-03)

b. The theory examination will be the national examination provided by the National Interstate Council of State Boards of Cosmetology (NIC).

(5-3-03)

i. The theory examination for cosmetology will include all phases of the art of cosmetology, hair dressing, manicuring and pedicuring, facial massage, and sanitation.

(5-3-03)

ii. The theory examination for electrology will cover all phases of the art of electrology and sanitation.

(5-3-03)

iii. The theory examination for esthetics will cover all phases of the art of skin care and sanitation.

(5-3-03)

iv. The theory examination for nail technology will cover all phases of the art of manicuring, artificial nails, and sanitation.

(5-3-03)

v. The theory examination for haircutter will cover all phases of the art of haircutting and sanitation.

(6-5-06)T

vi. The theory examination for an instructor will cover all phases of the applicant's

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ability to teach cosmetology, nail technology, esthetics or electrology, and sanitation. (5-3-03)

03. The Practical Examination. The practical examination will be the NIC examination specific to the discipline for which licensure is sought. (5-3-03)

a. Oral Test. As authorized by Section 54-810, Idaho Code, the examiners may direct questions to individual examinees during the course of the practical examination. (7-1-97)

b. Supplies. Each applicant is required to bring adequate supplies and materials for the practical examination. Detailed information will be provided upon notification of acceptance for examination. (7-1-97)

04. Failure to Pass Examination. (7-1-99)

a. The practical examination is failed when an applicant obtains an average score below seventy-five percent (75%). Reexamination shall consist of the entire examination. (7-1-98)

b. Written examination is failed when the applicant obtains a score of below seventy-five percent (75%) on the national theory examination or the Idaho jurisprudence examination. Reexamination shall consist of the written examination on the portion or portions failed. (7-1-97)

05. Eligibility for Reexamination. A new application must be filed with the board. The prescribed fee must accompany said application. (7-1-97)

a. Additional instruction required to qualify for the practical reexamination shall be as follows: (5-3-03)

i. An applicant failing on the first practical examination attempt and on all subsequent attempts shall complete a full review of the proper practical procedures for those service applications in the discipline for which licensure is sought as outlined in Section 54-808(6), Idaho Code. The applicant must also sign an affidavit attesting to the completion of the review. The review and affidavit shall constitute proof of required additional instruction prior to ~~the first~~ reexamination-only. (5-3-03)(6-5-06)T

ii. ~~An applicant failing the practical examination on a second attempt and all subsequent attempts, shall complete additional instruction of no less than twenty percent (20%) of the hours required for original examination. The board may, following a review of previous examination scores, require any applicant to obtain additional instruction in a school of cosmetology.~~ (5-3-03)(6-5-06)T

b. Additional instruction required to qualify for the written reexamination shall be as follows: (5-3-03)

i. An applicant failing on the first written examination attempt and on all subsequent attempts in either the theory or Idaho jurisprudence examination shall complete a full review as applicable to the area or areas of failure, of either the proper theoretical procedures for the discipline and those service applications for which licensure is sought as outlined in Section 54-

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808(6), Idaho Code, or of the Idaho Laws and Rules governing the licensure and practice of those disciplines included in Chapter 8, Title 54, Idaho Code. The applicant must also sign an affidavit attesting to the completion of the review. The review and affidavit shall constitute proof of required additional instruction prior to the first reexamination only. ~~(5-3-03)~~(6-5-06)T

ii. ~~An applicant failing either the theory examination or the Idaho jurisprudence examination on a second attempt and all subsequent attempts shall complete not less than forty (40) hours of additional instruction in theory or Idaho jurisprudence as is appropriate, in a curriculum approved by the board, in an Idaho licensed school, and comply with all other requirements for reexamination.~~ The board may, following a review of previous examination scores, require any applicant to obtain additional instruction in a school of cosmetology. ~~(5-3-03)~~(6-5-06)T

06. Termination. All application records in the bureau of applicants who have not qualified for reexamination within five (5) years of notification of failure in any examination under the Cosmetology Law will be terminated and destroyed. (7-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

500. RULES OF SCHOOLS OF COSMETOLOGY (RULE 500).

Section 54-808, Idaho Code, provides for the rules of schools of cosmetology. Supplementing this section, the board adopts the following rules: (7-1-97)

01. Application Before Opening and Operating a School. No school of cosmetology will be opened and/or operated until the board has issued its approval and a valid license has been received by the school. See Section 54-806, Idaho Code. Application for a school license shall be made on forms furnished by the board. The fully completed application to operate a school, with the required fee, shall be submitted to the board. (3-30-01)

a. As soon as practicable, upon receipt of said application, the board or its designated agent, will cause the school to be inspected. Based on this inspection, a recommendation for the issuance or rejection of a license will be made and a decision entered, within a reasonable time not to exceed thirty (30) days, after said application has been received. (7-1-97)

b. All new schools applying for license must have one thousand eight hundred (1,800) square feet of space. Schools approved to teach electrology refer to Rule 550. (7-1-99)

c. All new schools must be separated completely from establishments and have no connecting entrances. (3-30-01)

02. Adequate Space. Schools provide adequate space for the number of students to be trained in said schools. An additional forty (40) square feet of floor space shall be provided in excess of the minimum one thousand eight hundred (1800) square feet required for each student enrolled over twenty (20) students. (7-1-97)

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03. Annual Review of Curriculum and Catalog. Schools must provide a curriculum and catalog to the board. Schools must provide a curriculum and catalog to the board for review on an annual basis. Curricula must be submitted at the time of license renewal. If there are no changes in the curriculum or catalog during the previous year, the school may submit a letter of explanation to the board. (7-1-97)

04. Minimum ~~Two Hundred~~ Hours of Instruction. ~~Student cosmetologists.~~ Students ~~cosmetologists may~~ shall not be permitted to render any clinical service to patrons until students have completed at least ~~two hundred (200)~~ five percent (5%) of the required hours of instruction; ~~nor clinical services considered to be possibly harmful or detrimental to patrons, such as tints, hair-coloring, permanent waves and similar services, until the student has completed three hundred (300) hours of instruction.~~ (7-1-97)(6-5-06)T

05. Records Required. Records required of schools of cosmetology: (7-1-97)

a. Schools shall maintain records for each student as established by schools' policy and procedures which will show daily attendance and academic grades of instructional progress. (3-30-01)

b. Progress records shall be signed and dated by the student and school official. A copy of the signed and dated monthly record shall be provided to the student. The school shall maintain the records for a period of two (2) years following completion or termination of the student instruction. These records are subject to inspection by the board at any time. (3-30-01)

c. When a student's course of instruction at a school has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the Record of Instruction Form. This form is to be filed with the board by the school within sixty (60) days of the completion or termination of instruction, or a letter of explanation shall be filed with the board by the school as to why student's Record of Instruction is not being filed by the school. (3-30-01)

d. Schools shall maintain on the premises proof of student meeting education requirements. Schools must maintain proof of student having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If student is a high school graduate, schools may accept a photostatic copy of the high school diploma or transcript. A letter written on high school stationary, signed by an officer of the high school, may be accepted to verify student's satisfactory completion of the tenth grade and eligibility to commence the eleventh grade. (7-1-97)

e. Proof of age must be submitted. Schools must maintain on their premises proof of students compliance with minimum age requirement. Acceptable proof of birth date will be a copy of the student's birth certificate, a passport, military identification, drivers license or other similar form of documentation. (7-1-97)

f. Schools shall have a written (published) attendance policy. When a school is determining student hours for their course of instruction, a school may define its attendance policy to include one hundred percent (100%) attendance for the course length or may allow excused absences for not more than ten percent (10%) of the course length for satisfactory

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completion. (3-30-01)

06. Record of Instruction. A record of the operations completed by each student shall be maintained and include the following: (3-30-01)

a. Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; (3-30-01)

b. Scalp Treatments; (3-30-01)

c. Permanent Waves (All Methods); (3-30-01)

d. Haircutting/shaping which shall include scissor and razor/clipper; (3-30-01)

e. Bleaching; (3-30-01)

f. Tinting; (3-30-01)

g. Semi Permanent/Temporary Color; (3-30-01)

h. Frosting/Hilites; (3-30-01)

i. Facials which shall include plain, makeup and arches; (3-30-01)

j. Manicures which shall include plain and oil; (3-30-01)

k. Pedicures; and (3-30-01)

l. Artificial Nails. (3-30-01)

07. Discontinuance of School. If a school discontinues to operate as a school, records of instruction covering all students attending said school at the time of discontinuance or prior thereto, must be filed in the office of the board. (7-1-97)

08. Out-of-State Applicants. Applicants who have received instruction in out-of-state schools and who wish to complete instruction in an Idaho school are required to file with the board prior to applying for examination a copy of the record of instruction from the out of state school(s). For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or school(s) in the state in which the instruction was obtained. (3-30-01)

09. Student Registration. Schools are required to register all students with the board within five (5) days of ~~prior to~~ beginning instruction (~~post office cancellation date will be accepted~~). Student registration fee must be submitted at time of registration. ~~Students shall receive credit for only those instruction hours obtained after the date of registration.~~ (3-30-01)(6-5-06)T

10. Outside School Activities. Schools may allow a student credit for no more than

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thirty (30) hours per term for outside activities during the course of their instruction. These hours must be approved by the instructor. (3-30-01)

11. Probation for New Students. All students shall be required to serve a probationary period subsequent to registration with the Board in a school of cosmetology. Students must maintain acceptable attendance, satisfactory progress in their instruction, and/or pass an examination at the end of the probationary period. If the student can not maintain these requirements, a written certified notification by the school shall be submitted to the board and the students registration shall become void immediately with no refund of fees. (3-30-01)

a. The probationary period for students in an approved program of less than an academic year of nine hundred (900) hours and/or less than fifteen (15) weeks shall be a minimum of five percent (5%) of course length. (3-30-01)

b. The probationary period for students, in an approved program greater than an academic year of nine hundred (900) hours and/or more than thirty (30) weeks shall be a minimum of ten percent (10%) of course length. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

571. -- ~~599~~74. (RESERVED).

575. RULES FOR COSMETOLOGY SCHOOLS TEACHING HAIRCUTTING (RULE 575).

Section 54-808, Idaho Code, provides for the teaching of haircutting in cosmetology schools. (6-5-06)T

01. Board Approval. The board may approve a school to teach haircutting who makes application on forms provided by the board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach haircutting. (6-5-06)T

02. Records Required. (6-5-06)T

a. Records required of schools teaching haircutting shall be maintained in accordance with the records required for schools of cosmetology. (6-5-06)T

b. Students may not render any services to patrons until the student has completed at least five (5%) of the required hours of instruction. All work done on patrons must be completed by students and supervised by instructors. (6-5-06)T

03. Record of Training. A record of operations completed by each student shall be maintained of the following: (6-5-06)T

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- a.** Haircutting and Hair shaping; (6-5-06)T
- b.** Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; (6-5-06)T
- c.** Use of cutting implements; (6-5-06)T
- d.** Basic shampooing and conditioning. (6-5-06)T
- e.** Sanitation (6-5-06)T
- 576. -- 599. (RESERVED).**

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IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 377 and 378.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3003, Idaho Code.

To increase the original license fee and annual renewal fee from \$125 to \$150.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-3003, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be

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Rules of the Idaho State Board of Landscape Architects**Docket No. 24-0701-0601**
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scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To increase the original license fee and annual renewal fee from \$125 to \$150.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

To increase the original license fee and annual renewal fee from \$125 to \$150.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no impact on general funds. This change could have a positive impact of \$5650 on dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there was no controversy on the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 14th day of August, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho State Board of Landscape Architects

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THE FOLLOWING IS THE TEXT OF THE PENDING RULE

400. FEES (RULE 400).

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (7-1-93)

01. Application Fee. Application Fee (Original-Reapplication-Endorsement) One hundred dollars (\$100). (3-20-04)

02. Examination Fees. Examination fees will be as established by the council of landscape architectural registration boards. (3-20-04)

03. Original License and Annual License Fee. Original license and annual license fee -- One hundred ~~twenty-five~~ fifty dollars (\$1250). (~~3-24-05~~)(____)

04. Reinstatement Fee. Reinstatement fee -- Twenty-five dollars (\$25). (7-1-93)

05. Processing Fee. Applicants for examination must submit a twenty-five dollar (\$25) processing fee, together with the examination fees and the application fee. (3-20-04)

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. The Agency requests the final and effective date be July 1, 2006, as authorized by 67-5225(5)(a), Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2007 and 54-2020(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Vol. 06-9, page 149 and 150.

FEE SUMMARY: No new fee or charge is being imposed. Rather, this rule reduces the individual licensing fees by \$20 per bi-annual licensing period. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285 ext. 118, or Kimberly Coster, (208) 334-3285 ext 115.

Dated this 1st day of November, 2006.

THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2006.

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

REAL ESTATE COMMISSION **Rules of the Idaho Real Estate Commission**

Docket No. 33-0101-0601
PENDING RULE

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 54-2007 and 54-2020(1), Idaho Code.

PUBLIC HEARING: Public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 24, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting a temporary:

This rule reduces the individual licensing fee by twenty dollars (\$20) per bi-annual licensing period, from \$180 per bi-annual licensing period, to \$160. The Commission decided to reduce the fee amount after conducting an analysis of its budget and the impact of this rule change.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit, by reducing the individual licensing fee.

FEE SUMMARY: No new fee or charge is being imposed. Rather, this rule reduces the fee amount by twenty dollars (\$20) per bi-annual licensing period.

FISCAL IMPACT The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No no impact to the general fund; IREC is a self-governing agency. The impact to the Special Real Estate Account is an estimated revenue reduction of \$283,000 for the two-year period FY07 and FY08.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Donna M. Jones, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2006.

DATED this 24th day of July, 2006.

Donna M. Jones
Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0601
PENDING RULE

Mailing Address: PO Box 83720, Boise, ID 83720
(208) 334-3285
(208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

100. LICENSE FEES.

License fees are established as follows.

(3-15-02)

01. Fees For Licensed Individuals. The fees for an initial or renewing license for broker, associate broker, or salesperson shall be one hundred ~~eighty~~ sixty dollars (\$1860) per license period, which fees include the twenty dollar (\$20) fee prescribed in Section 54-2070, Idaho Code. ~~(10-1-05)~~(7-1-06)T

02. Fees For Licensed Legal Business Entities. The fee for an initial or renewing license for each legal business entity shall be fifty dollars (\$50) per license period. (10-1-05)